IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. APP (DB) No.337 of 2002
SURESH RAI & ORS
Versus
STATE OF BIHAR

4/ 28.04.2009 The prayer in the present I.A. is to permit appellant no. 5, Vinod Rai, to make correction in the memo of appeal and add his alias name as Binod Rai. The reason for seeking such a permission is said to be insistence of the officers in the Indian Army where this appellant claims to have worked earlier that his prayer for setting aside dismissal from service on account of judgment of acquittal by this court in his favour can be considered only if his name is shown correctly as Binod Rai.

Admittedly, the appellant Vinod Rai was dismissed from service on account of conviction in this case by the trial court. In that judgment also his name is same without any alias name as prayed for. If he could be dismissed on account of conviction in the name of Vinod Rai, it is not understandable as to why for his reinstatement in service he requires his alias name.

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Since the trial court judgment and the memo of appeal, as apparent from the records of this disposed of appeal, show the name of appellant no. 5 as Vinod Rai, we find no good ground to permit this appellant to amend the memo of appeal and thereafter seek modification in the judgment and order of this court dated 26th April, 2007 whereby the appeal of this appellant and some others was allowed.

The prayer made in this I.A. is, therefore, rejected. It goes

without saying that if the prayer of the appellant no. 5 is not accepted by the concerned authorities, he may seek his remedy through an appropriate proceeding before any other court or tribunal.

(Shiva Kirti Singh, J.)

Anil/ **(Dharnidhar Jha, J.)**

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